

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 99-4237

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Elizabeth Gammon Brown,

Appellant,

v.

Kim Luckett, Chief of Security,  
Womens' Unit, Arkansas Department  
of Correction; Ray Hobbs, Assistant  
Director, Arkansas Department of  
Correction; Virginia Wallace, Warden,  
Tucker Womens' Unit, Arkansas  
Department of Correction; Max  
Mobley, Assistant Director, Arkansas  
Department of Correction; John Doe,  
1-10, Healthcare Providers and/or ADC  
Employees,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.

[UNPUBLISHED]

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Submitted: January 30, 2001  
Filed: February 5, 2001

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Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

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PER CURIAM.

Arkansas inmate Elizabeth Gammon Brown appeals the District Court's<sup>1</sup> entry of judgment against her, after a jury trial, in her 42 U.S.C. § 1983 action in which she had claimed that certain prison officials failed to follow medical orders related to drinking water, winter gear, and other items.

Brown essentially challenges the sufficiency of the evidence by arguing that the jury came to an incorrect conclusion about appellees' knowledge of her medical needs, but we find no plain error in the jury's verdict. See Williams v. Kansas City, Mo., 223 F.3d 749, 752-53 (8th Cir. 2000) (holding that litigant who fails to move for judgment as a matter of law at close of evidence cannot later argue, either in post-trial motion or on appeal, that verdict was not supported by sufficient evidence; jury verdict will be reversed only if it results in manifest miscarriage of justice). The jury could have concluded that none of the appellees deliberately and personally interfered with her prescribed medical treatment, or intentionally failed to take reasonable measures to deal with the prison staff's alleged failure to provide Brown medically prescribed items or other basic necessities. See Morse v. Southern Union Co., 174 F.3d 917, 923 (8th Cir.) (explaining that jury's function is to consider competing evidence), cert. dismissed, 527 U.S. 1059 (1999); Vaughan v. Lacey, 49 F.3d 1344, 1346 (8th Cir. 1995) (holding that deliberate indifference may include intentionally interfering with prescribed treatment or medication); Boyd v. Knox, 47 F.3d 966, 968 (8th Cir. 1995) (holding that supervisory liability under § 1983 arises if supervisor knowingly facilitated, approved, condoned, or turned a blind eye to unconstitutional conduct).

We also reject Brown's contentions as to instructional error.

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Henry Woods, United States District Judge for the Eastern District of Arkansas.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.